HON'BLE SRI G.S.SINGHVI, THE CHIEF JUSTICE

and

HON'BLE SRI JUSTICE G.BHAVANI PRASAD

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WRIT APPEAL NO : 27 of 2006

Between:

Pulya and others

..... APPELLANTS

AND

The Government of A.P. rep by its

Collector, Medak, Medak District,

and others.

.....RESPONDENTS

::JUDGMENT::

Counsel for the Appellant : Mr.M.V.Rajaram

Counsel for the Respondents : G.P. for Assignment

Dated 06.01.2006

Per G.S.Singhvi, CJ

This is an appeal for setting aside order dated 22.12.2005 vide which the learned Single Judge dismissed W.P.No.27303 of 2005 filed by the appellant, questioning the legality of communication dated 15.12.2005 sent by Revenue Divisional Officer, Medak to Mandal Revenue Officer, Kowdipally Mandal for taking action against the appellant in the matter of cancellation of assignment.

A perusal of the order under challenge shows that the learned Single Judge dismissed the writ petition by observing that the same is premature.

We have heard learned counsel for the parties and perused the record.

Learned Government Pleader for Revenue very fairly states that the Court may dispose of the appeal by giving liberty to Mandal Revenue Officer, Kowdipally Mandal to take action in the matter of alleged violation, committed by the appellant, of the conditions of assignment without being influenced by the contents of letter dated 15.12.2005. Learned counsel for the appellant says that his client will feel satisfied if the Mandal Revenue Officer takes appropriate action without being influenced by the dictate of the Revenue Divisional Officer.

In view of the submissions made by the learned counsel for the parties, the appeal is disposed of in the following terms.

i. The Mandal Revenue Officer shall take action in the matter of the alleged violation of the conditions of assignment by the appellant and pass appropriate order without being influenced by the contents of the letter dated 15.11.2005 sent by the Revenue Divisional Officer, Medak.

ii. If on enquiry made by him inconsonance with the rules of natural

justice, Mandal Revenue Officer comes to the conclusion that the appellant has, in fact, violated the conditions of assignment, then he shall be free to annul the assignment.

iii. If on the other hand, the Officer concerned comes to the conclusion that the appellant has not violated the conditions of assignment, then he shall pass appropriate order.

It is needless to say that till the passing of appropriate order by the Mandal Revenue Officer, Kowdipally Mandal, who is expected to pass the orders within three months from today, the appellant shall not be dispossessed.

G.S.SINGHVI, CJ

Dt.6.1.2006

G.BHAVANI PRASAD,J

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